



May 13, 1999

Mr. John E. Pickelman, Ph.D
Chancellor
North Harris Montgomery Community College District
250 N. Sam Houston Parkway East
Houston, Texas 77060

OR99-1310

Dear Mr. Pickelman:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 126024.

The North Harris Montgomery Community College District (the "college") received two requests for the audiotapes of closed session proceedings concerning two employees. You assert that the requested audiotapes from the closed sessions are exempt from disclosure under section 551.104(c) of the Government Code. We have considered your arguments and reviewed the submitted information.

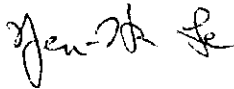
Section 552.101 of the Government Code excepts from disclosure information deemed confidential by law. Section 551.104(c) of the Government Code provides that "[t]he certified agenda or tape of a closed meeting is available for public inspection and copying *only under a court order issued under Subsection (b)(3).*" (Emphasis added.) Thus, such information cannot be released to a member of the public in response to an open records request. *See* Open Records Decision No. 495 (1988). The college must withhold the requested audiotapes from public disclosure under section 552.101 of the Government Code in conjunction with section 551.104(c) of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts

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presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Yen-Ha Le".

Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/nc

Ref.: ID# 126024

cc: Ms. Ella Edwards Brown
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